

REMARKS

Claims 1-4 have been cancelled. Claims 5-9 are pending in the application. Support for the amended claims can be found throughout the specification as filed. No new matter is being added through these amendments.

Priority

A certified copy of Australian patent application PO7991 is enclosed.

Specification

For the purposes of improved grammar and clarity a substitute specification is filed herewith. The applicant, in the substitute specification filed herewith, has substituted the US patent application numbers for the originally referenced Australian provisional patent application numbers.

By way of explanation, the amendments which have been made to the specification update the table of cross-referenced, simultaneously filed, patent applications. On 10 July 1998, 184 patent applications were filed simultaneously by the applicant at the USPTO covering many different inventions made as part of a complex digital imaging and printing project. The present application is one of those 184 simultaneously filed applications. Those simultaneously filed applications were initially identified in the present specification by their docket numbers of the US filing, and for additional identification purposes by their corresponding Australian provisional patent application numbers and filing dates. The reason for identifying the cross-referenced application in this way was simply because, at the time of filing the present application, the US filing details of the simultaneously filed applications, having been filed on the same day as the present application, were not yet known or available.

Now that the US application numbers are known and in order more clearly to identify the cross-referenced applications. the US application numbers have been added for the Australian provisional application.

Further, the change of the charts from landscape view to portrait view have been made purely to make it easier to read the specification.

The applicant declares that no new matter has been added to the specification as a result of the above changes to the specification.

Claim Objections

It is submitted that the new claims 5-9 are not subject to the informality objections raised to claims 1-4 in the last Office Action.

Claim Rejections 35 USC §112

It is submitted that the new claims 5-9 are not subject to the 35 USC 112 rejections raised in the last Office Action.

Claim Rejections 35 USC §102

In the last Office Action claims 1, 3-4 were rejected under 35 USC 102(b) as being anticipated by Torii (US 5,512,951). It is submitted that Torii describes an auto-focusing apparatus and method for generating a focused image. However, Torii does not describe a method for generating a manipulated output image from the focused image. In particular, Torii does not describe a method for generating a manipulated output image from the focused image by means of a digital image manipulating process which operates on the basis of auto-focus settings. Accordingly it is respectfully submitted that claim 5 is novel over Torii because claim 5 recites the step of "*generating a manipulated output image by applying a digital image manipulating process to the focused image, the digital image manipulating process utilizing the focus settings*". (Support for the term "a manipulated output image" appears in the fourth paragraph of page 2 of the specification as originally filed.)

It is submitted that the above step is not disclosed in Torii or in any other of the prior art documents listed in the last Official Action. Indeed all of the prior art of record appears to be concerned with generating focused images by means of auto-focusing techniques.

In contrast the presently claimed invention is concerned with generating manipulated images from focused images. For example, one type of manipulated output image described in the present application is an image which looks like a painting rather than a realistic and focused photograph (page 3 line 31 of the application as filed).

Claim Rejections 35 USC § 103

In the last Office Action at paragraph 9, claim 2 (now cancelled) was rejected on the grounds that it was obvious in light of the Torii prior art. As discussed above, it is respectfully submitted that the prior art of record does not disclose the step of generating manipulated images from a focused image. Furthermore, it is submitted that the prior art of record, either separately or in combination fails to disclose the manipulation of a focused image utilizing focus settings. Accordingly it is believed that claims 5-9 are both novel and non-obvious in light of the citations.

CONCLUSION

It is submitted that the application is now in condition for allowance and such action is respectfully requested.

Very respectfully,

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